

COPY

THE STATE OF TEXAS       §  
  §  
CITY OF HUNTINGTON       §

**AN ORDINANCE OF THE CITY OF HUNTINGTON THAT ADDRESSES NOISE LEVELS IN THE CITY OF HUNTINGTON.**

WHEREAS, the City Council has determined that excessive noise creates a nuisance in the City of Huntington and should not be permitted.

NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTINGTON, TEXAS, AS FOLLOWS:

**NOISE**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise of any kind which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the City.

The acts enumerated in the following sections of this chapter, among others are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but such enumeration shall not be deemed to be exclusive.

(1) The using, operating, or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the inhabitants of Huntington, Texas or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary, listeners thereto, is hereby prohibited. The operation of any such set, instrument, phonograph, machine or device in such a manner as to

(b) Loud speakers. The use of any stationary loud speaker or amplifier or any other musical instrument in such manner or with such volume, particularly between 10:00 p.m. and 6:00 a.m., that annoys and disturbs persons of ordinary sensibilities in the immediate vicinity thereof; or the operation of such loud speaker or amplifier or other musical instrument at any time on Sunday; provided, however, that upon application by the user of such devices, the city council may make special exemption or exception to this clause for such time or times as the said city council feels will serve the public welfare.

(c) Animals. The keeping of any animal or bird, which by causing frequent or long continued noise shall disturb the comfort and repose of any person of ordinary sensibilities in the immediate vicinity.

(d) Whistles. The blowing of any steam whistle train horn, truck horn or air horn except a horn used to give notice of the time to begin or stop work, or as a warning of danger or the blowing of any other loud or far reaching steam whistle within the city limits.

(e) Compressed air. The use of any mechanical device operated by compressed air, unless the noise to be created is effectively muffled and reduced.

(f) Building. The erection, including excavation, demolition, alteration, or repair work on any building at any time other than between the hours of 7:00 a.m. and 6:00 p.m., on week days, except in case of urgent necessity in the interest of public safety and convenience; and then only by permit from the city council, which permit may be renewed by the city council during the time the emergency exists.

(g) Noise near schools. (a) The creation of any excessive noise on any street adjacent to any school or institution of learning while the same is in session, or adjacent to any hospital or nursing home, which unreasonably interferes with the workings of such institutions;

be plainly audible at a distance of twenty-five (25) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(2) Defect in vehicle or load. The use of any automobile, truck, motorcycle or other vehicle so out of repair, or designed or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise is hereby prohibited.

(3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound which is cast upon the public streets for any purpose specifically but not limited to commercial advertising or attracting the attention of the public to any building, structure or vehicle.

(4) Any unreasonably loud, disturbing, unnecessary noise which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is hereby declared to be a nuisance and is hereby prohibited.

(5) Any noise of such character, intensity, and continued duration which substantially interferes with the comfortable enjoyment of private homes by persons of ordinary sensibilities, is hereby declared to be a nuisance and is hereby prohibited.

The following acts, among others, are declared to be noise nuisances in violation of this article, but said enumerations shall not be deemed to be exclusive, to-wit:

(a) Radios. The playing of any radio, phonograph or other musical instrument in such manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons of ordinary sensibilities in any dwelling, hotel, or other type of residence.

(b) provided conspicuous signs or other evidence are displayed in such manner as to indicate that such is a school or hospital street, or that such institutions are schools or hospitals.

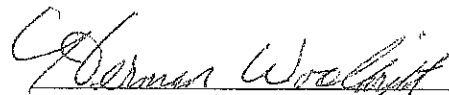
(h) Unloading. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(i) Drums, etc. The use of any drum, loud speaker, or other instrument or device, for the purpose of attracting attention by creation of noises, such as speaking, music or hallooing, to any performance, show, theatre, moving picture house, sale of merchandise, or display, which causes crowds of people to block, or congregate upon the sidewalks and/or streets near or adjacent thereto save and except any parade approved in advance by the City.

Conviction of a charge in violation of this ordinance shall be punishable by a fine up to \$250.00. Each day the violation continues shall be a separate offense.

Effective Date: This ordinance shall take effect from and after its passage by the City Council.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
HUNTINGTON, TEXAS, this the 27 day of April, 2010.

  
\_\_\_\_\_  
Mayor, City of Huntington, Texas

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY